

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CONSOLIDATED INDUSTRIES, LLC
d/b/a WEATHER KING PORTABLE
BUILDINGS,

Plaintiff,

v.

JESSE A. MAUPIN, BARRY D.
HARRELL, ADRIAN S. HARROD,
LOGAN C. FEAGIN, STEPHANIE L.
GILLESPIE, RYAN E. BROWN,
DANIEL J. HERSHBERGER, BRIAN
L. LASSEN, ALEYNA LASSEN, AND
AMERICAN BARN CO., LLC,

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

District Judge Anderson

Magistrate Judge York

**SECOND MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO PLAINTIFF'S MOTION FOR SANCTIONS**

Defendants Jesse A. Maupin, Barry D. Harrell, Adrian S. Harrod, Logan C. Feagin, Stephanie L. Gillespie, Ryan E. Brown, Daniel J. Hershberger, and American Barn Co., LLC (the “ABCO Defendants”), by and through their undersigned counsel, respectfully move this Court for a 30-day extension of time, up to and including May 2, 2025, to respond to Plaintiff’s motion for sanctions. Counsel have conferred and this motion is opposed. In support of this motion, the ABCO Defendants state as follows:

1. Plaintiff filed a 30-page motion for sanctions on February 27, 2025. (D.E. 185.)
2. As part of this motion, Plaintiff filed 62 exhibits totaling over 650 pages. (D.E. 186-91.)
3. In the motion, Plaintiff requests several different types of sanctions against

Defendants, including default.

4. Pursuant to Local Rule 7.2(a)(2), Defendants had 14 days to respond to Plaintiff's motion.

5. The Court may deviate from the requirements of Local Rule 7.2(a)(2) "when appropriate for the needs of the case and the administration of justice." L.R. 1.1(e).

6. Due to the length of Plaintiff's motion for sanctions, the number of exhibits that ABCO Defendants must review, and the severity of the sanctions sought, the Court granted the ABCO Defendants a 21-day extension to respond, up to and including April 3, 2025. (D.E. 193.)

7. Counsel for the ABCO Defendants have since faced conflicting obligations and concurrent deadlines with other matters that require immediate attention, preventing counsel from meeting this deadline.

8. Specifically, attorney Benjamin Morrell is currently litigating a time sensitive matter involving a request for a temporary restraining order in another federal court.

9. Additionally, attorney Thomas Pasternak is experiencing a medical issue that requires daily treatment, further preventing counsel from meeting this deadline.

10. Given these unforeseen circumstances, the ABCO Defendants submit that an extension of time is appropriate for the needs of the case and the administration of justice. The ABCO Defendants therefore request an additional 30-day extension to file a response to this motion, up to and including May 2, 2025.

11. Additionally, the proposed extension will not prejudice any party. Plaintiff and the ABCO Defendants agree that the current discovery deadline should be extended. (*See* D.E. 197.)

12. On Saturday March 22, 2025, counsel for the ABCO Defendants conferred with

Plaintiff's counsel regarding this motion and the reasons therefor stated above. Plaintiff's counsel stated on March 23 that Plaintiff opposes.

13. Counsel for the ABCO Defendants has submitted a proposed order regarding this motion to the appropriate ECF mailbox.

For the reasons discussed above, the ABCO Defendants respectfully request that the Court grant their motion and enter an order granting them a 30-day extension of time, up to and including May 2, 2025, to respond to Plaintiff's motion for sanctions.

Date: March 25, 2025

Respectfully submitted,

/s/ Benjamin S. Morrell

Thomas G. Pasternak (admitted pro hac vice)

Benjamin S. Morrell (TBPR No. 35480)

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Counsel for Defendants Maupin, Harrell, Harrod, Feagin, Gillespie, Brown, Hershberger, and American Barn Co., LLC

CERTIFICATE OF CONSULTATION

In accordance with Local Rule 7.2(a)(1)(B), I certify that counsel for the ABCO Defendants conferred with counsel for Plaintiff via email on March 22, 2025, regarding this motion, and Plaintiff's counsel responded on March 23 stating that Plaintiff opposes it.

Date: March 25, 2025

/s/ Benjamin S. Morrell

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I filed the foregoing document with the Clerk of the Court using the Court's CM/ECF filing system, which will send notice of such filing to all counsel of record. I further certify that on the date listed below, I sent the foregoing document to the following individuals at the address listed below via U.S. Mail first-class, postage prepaid, and via email at the email address listed below:

Aleyna Lassen
Brian L. Lassen
1405 N. Fort Grant Road
Willcox, AZ 85643
willcoxbuildings@pm.me

Date: March 25, 2025

/s/ Benjamin S. Morrell